



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa2292/1
KSH:kmg:jf

**ASSEMBLY AMENDMENT 2,
TO 1997 ASSEMBLY BILL 919**

March 25, 1998 - Offered by Representative F. LASEE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 23, line 8: after that line insert:

3 **"SECTION 10m.** 196.85 (2e) of the statutes is created to read:

4 196.85 **(2e)** Annually, the commission shall assess a joint local water authority
5 for the commission's costs under s. 66.0735 (8) directly attributable to that joint local
6 water authority. The commission shall bill the joint local water authority for the
7 amount of the assessment.

8 **SECTION 11m.** 196.85 (3) of the statutes is amended to read:

9 196.85 **(3)** If any public utility, sewerage system, joint local water authority or
10 power district is billed under sub. (1) ~~or~~, (2) or (2e) and fails to pay the bill within 30
11 days or fails to file objections to the bill with the commission, as provided in this
12 subsection, the commission shall transmit to the state treasurer a certified copy of
13 the bill, together with notice of failure to pay the bill, and on the same day the

1 commission shall mail by registered mail to the public utility, sewerage system, joint
2 local water authority or power district a copy of the notice which it has transmitted
3 to the state treasurer. Within 10 days after the receipt of notice and certified copy
4 of the bill the state treasurer shall levy the amount stated on the bill to be due, with
5 interest, by distress and sale of any property, including stocks, securities, bank
6 accounts, evidences of debt, and accounts receivable belonging to the delinquent
7 public utility, sewerage system, joint local water authority or power district. The levy
8 by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be
9 made by the state treasurer and that goods and chattels anywhere within the state
10 may be levied upon.

11 **SECTION 12m.** 196.85 (4) (a) of the statutes is amended to read:

12 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under subs.
13 (1) ~~and~~, (2) and (2e) the public utility, sewerage system, joint local water authority
14 or power district that has been billed may file with the commission objections setting
15 out in detail the grounds upon which the objector regards the bill to be excessive,
16 erroneous, unlawful or invalid. The commission, after notice to the objector, shall
17 hold a hearing upon the objections, from 5 to 10 days after providing the notice. If
18 after the hearing the commission finds any part of the bill to be excessive, erroneous,
19 unlawful or invalid it shall record its findings upon its minutes and transmit to the
20 objector by registered mail an amended bill, in accordance with the findings. The
21 amended bill shall have the same force and effect under this section as an original
22 bill rendered under subs. (1) ~~and~~, (2) and (2e).

23 **SECTION 13m.** 196.85 (5) of the statutes is amended to read:

24 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
25 delay the collection or payment of any bill rendered under subs. (1) ~~and~~, (2) and (2e).

1 Every public utility, sewerage system, joint local water authority or power district
2 that is billed shall pay the amount of the bill, and after payment may in the manner
3 provided under this section, at any time within 2 years from the date the payment
4 was made, sue the state to recover the amount paid plus interest from the date of
5 payment, upon the ground that the assessment was excessive, erroneous, unlawful
6 or invalid in whole or in part. If the court finds that any part of the bill for which
7 payment was made was excessive, erroneous, unlawful or invalid, the state treasurer
8 shall make a refund to the claimant as directed by the court. The refund shall be
9 charged to the appropriations to the commission.”.

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(END)